



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

February 6, 2012

Mr. Doug Pomeroy
Federal Aviation Administration
San Francisco Airports District Office
1000 Marina Boulevard, Suite 220
Brisbane, California 94005-1835

Subject: Draft Environmental Impact Statement (DEIS), Gness Field Airport Proposed Extension of Runway 13/31, Marin County, California (CEQ # 20110410)

Dear Mr. Pomeroy:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act. Our detailed comments are enclosed.

The project proposes to extend the runway at Gness Field to accommodate a small percentage of corporate jets that are restricted from operating at maximum gross takeoff weight under hot weather and other adverse weather conditions. Approximately 12 acres of wetlands would be filled and 23 acres of wildlife habitat lost. Based on our review, we have rated the DEIS's proposed actions as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "Summary of Rating Definitions").

The project will require a Clean Water Act Section 404 permit, and we are concerned that, because the project purpose was narrowly defined, practicable alternatives that would have fewer adverse impacts on the aquatic ecosystem were not evaluated (40 CFR 230.10(a)). We recommend that FAA consider and evaluate a modified preferred alternative that would include a shorter runway extension. This modified alternative would reduce impacts to wetlands, wildlife habitat, and the floodplain. This additional consideration would also address the NEPA requirement to rigorously explore and objectively evaluate all reasonable alternatives, as well as the alternatives analysis requirement of the Executive Order on Floodplain Management.

EPA appreciates the opportunity to review this DEIS. When the Final EIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

For

Kathleen Martyn Goforth, Manager
Environmental Review Office

Enclosure: Summary of EPA Rating Definitions
EPA's Detailed Comments

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

Wetlands – Compliance with Clean Water Act Section 404

Alternatives analysis under Section 404(b)(1)

The DEIS integrates the requirements for the Clean Water Act Section 404 permit into the NEPA process and we commend FAA for this integrated approach. It is important that the preferred NEPA alternative correspond with the least environmentally damaging practicable alternative (LEDPA) under CWA Section 404 because, as the DEIS notes, the LEDPA is the only alternative that the Army Corps of Engineers will permit. The DEIS states that Alternative B is the LEDPA (p. 5.10-11).

We are concerned that all practicable alternatives were not evaluated because the project purpose was narrowly defined. The project sponsor's stated purpose is to allow existing aircraft at DVO to operate at maximum gross takeoff weight under hot weather and other adverse weather conditions (p. 2-1). Elsewhere in the DEIS, the identified purpose is to provide the necessary runway length for existing users to more efficiently use the airport (p. 5.11-5). The alternatives analysis required under CWA Section 404 must comply with the Federal Guidelines for Specification of Disposal Sites for Dredged or Fill Materials (40 CFR 230) (Guidelines). The Guidelines require that there exist no practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem (40 CFR 230.10(a)). Alternatives that would increase efficiency without extending the runway at DVO by 1,100 feet were not evaluated, including shorter runway extensions that would avoid fill of valuable wetlands.

Recommendation: We recommend that FAA consider and evaluate in the Final EIS a modified preferred alternative that would include a shorter runway extension. We note that an extension to 3,700 feet would accommodate all B-I aircraft landings (DVO is a B-1 airport) in all adverse weather conditions, and would provide additional runway for take-offs for some business jets in hot day conditions, thereby improving efficiency for these aircraft.

Additionally, the Final EIS should revise the statement that the current runway available at DVO is "insufficient to serve a majority of the airport's fleet mix under most conditions"¹. We recommend adding the actual number of each type of aircraft utilizing DVO that are listed in Figures 3 and 4, and in the evaluation of the alternatives, identify the number and percentage of these aircraft flights that would benefit from the extension. This information is important for the decision-maker who must evaluate the trade-offs of flights benefiting from the proposed action² against its environmental costs (loss of 12 acres of wetlands, 23 acres of wildlife habitat, and possible increased noise impacts to residents).

Compensatory mitigation

The DEIS identifies potential mitigation alternatives as (1) use of the SF Bay National Wildlife Refuge, (2) offsite restoration on a private nearby parcel, or (3) offsite restoration through the SF Bay Joint Venture (p. 5.10-13-14). None of these opportunities are currently approved CWA 404 mitigation banks or in lieu fee programs. Therefore the airport will not be able to "purchase credits" as stated in the DEIS. The sites listed may be suitable for mitigation, but a mitigation proposal containing all the elements listed at §230.94 of the 2008 Mitigation Rule will need to be submitted to the Corps and EPA for review and approval.

¹ Based on Figures 3 and 4 in Appendix D, this does not appear to be true.

² A small percentage of flights (hot days only for 8% of aircraft) -Appendix D, p. 9

The DEIS states that a 1:1 mitigation ratio for replacing lost wetland acreage would be utilized (p. 5.10-13). The final mitigation ratio will be determined by the Corps and, depending on the specific proposal, may need to be higher than 1:1 to ensure no net loss of wetland acreage and function. The Draft Environmental Impact Report cites the Marin Countywide Plan Policy BIO-3.2 which requires, where avoidance of wetlands is not possible, that wetlands be mitigated at a minimum of 3:1 replacement ratio for off-site mitigation (DEIR, p. 4.19-11).

Recommendation: Further explore the avoidance of wetlands fill by evaluating a shorter runway extension alternative or explain why it is not practicable. We recommend that a conceptual mitigation proposal be included in the FEIS. Commit to at least a 3:1 mitigation ratio for replacement of lost wetland acreage as required by the Marin Countywide Plan Policy BIO-3.2.

Floodplain/Climate Change Effects

Executive Order 11998 directs federal agencies to preserve floodplain natural and beneficial values, requiring an analysis of practicable alternatives to locating in the base floodplain. The proposed project is located entirely within the 100-year floodplain with additional hazard associated with storm waves (Exhibit 5.11-1) and would result in a floodplain loss of 13 acres (an additional 13 acres of land being protected by a levee) (p. 5.11-6). The DEIS concludes that there would be no adverse impacts on natural and beneficial floodplain values (p. 5.11-6). Increased flooding potential due to climate change effects do not appear to have been considered in the analysis; however, nor are there indications that sea level rise is being considered in project planning (i.e. climate change adaptation). The airport site elevation is close to sea level (p. 4-9).

Recommendations: The FEIS should identify why a shorter extension that substantially meets the purpose and need and impacts floodplain values to a lesser degree is not practicable.

Assess potential climate change effects, including increased flooding and sea level rise, on the project. Identify whether project features are needed to adapt to a changing climate, and if so, what these features are (e.g. higher levees) and what impacts from these project features would be. Because of an increased potential for flooding from climate change, it is appropriate to pursue an approach that ensures floodplains are preserved as much as possible.

Bird-aircraft strike/impacts to pilot safety

The DEIS does not discuss pilot safety and there is no health and safety chapter in the DEIS. The CEQ regulations direct agencies to consider the degree to which the proposed action affects public health or safety (40 CFR 1508.27(b) 2). This is important for this project because the DEIS states that the proposed action could be inconsistent with FAA bird-strike hazard mitigation guidance (p. 3-16) because the runway would be extended closer to the landfill northeast of the airport which is a bird-attractant, but no further discussion of this issue is included.

Recommendation: We recommend that the FEIS include an assessment of potential impacts to pilot and public safety. Discuss the FAA bird-strike hazard mitigation guidance in the context of the project and any increased risk of bird strikes from extending the runway closer to the landfill.

Noise impacts from growth inducement

The analyses in the DEIS does not consider the increased demand for B-II and other larger jets that a runway extension could cause. The DEIS states that the proposed runway extension would not change the operating levels or fleet mix at DVO (p. 5.1-4, 6). The rationale for this assumption is that the runway to taxiway separation would remain the same and that this presents a limitation to larger planes operating at DVO (p. 5.4-1). This statement does not address the likely increase in *proportion* of business jets that currently use DVO (and currently experience weight limitations) that could occur with the proposed extension. Removing the limitations that the larger jets experience would incentivize a greater use of these jets at DVO. This is confirmed in a tenant letter from the Kelleher Corporation, included in Appendix D, that states that "the future plans for aircraft upgrades would be completely dependent upon a longer runway", and "with the proposal of adding additional length to Gness Field runway, the concept of the Kelleher Corporation acquiring a larger Gness field-based aircraft is once again possible". This clearly shows that a reasonable response to a longer runway is a change in fleet mix proportions towards larger aircraft. In addition, a local newspaper article online³ quotes a former DVO tenant saying that the "extension would also open the airport to some jet aircraft, such as the Learjet and Beechjet lines, that require longer runways"⁴. This also points to an expected change in fleet mix proportion.

This change is a growth-inducing effect that may result in additional impacts, yet it was not evaluated in any of the analyses in the DEIS. A recent court case affirmed that the Department of Transportation must evaluate actions that improve the efficiency of an airport as growth-inducing effects falling under the purview of 40 C.F.R. § 1508.8(b)⁵. This is especially relevant to noise impacts, about which many residents at the public hearing expressed concerns.

Recommendation: Conduct a demand forecast based on the longer runway proposed for the alternatives. Utilizing this information, evaluate the indirect effects on environmental resources and communities from the increased demand. Update the noise impact assessment to reflect any anticipated increases in aircraft size or in the proportion of larger aircraft currently using DVO.

Evaluation of Off-site Alternatives - use of other airports

- In the discussion of the use of other airports for evaluating off-site alternatives, the DEIS compares other airport runways to "the stated need of 4,400 ft"(p. 3-4, 3-7, 3-8, 3-9, 3-10). Because the additional 400 feet identified for Gness is site-specific, this discussion should evaluate these other airports in term of 4,000 ft, not 4,400.
- This discussion repeatedly states that the primary population served by DVO is located south of DVO (p. 3-4, 3-7, 3-8, 3-9). The FEIS should include data to support this, especially since the evaluation cites commute emissions by car as a factor for dismissing these alternatives. If possible, the FEIS should provide the locations of the populations utilizing the aircraft that are currently experiencing limitation (for which the project is proposed to benefit). Since this user group is less than 10% of the users of DVO, a survey should be possible.

³ See http://www.marinij.com/novato/ci_19452505

⁴ He continues: "A lot of operators use 4,000 feet as a minimum (runway length) for certain classes of airplanes," said Drohan, who was previously head of Sunset Aviation, a former charter operation that once kept up to 15 planes at Gness Field.

⁵Barnes v. U.S. Dept. of Transportation, 655 F.3d 1124 (9th Cir. 2011). While this case involved the addition of a new runway, a longer runway that could increase demand would have similar induced growth effects.